

REMARKS

This is in response to the Office Action dated October 19, 2004. Non-elected claims 7-17 have been canceled, without prejudice in view of the Restriction Requirement. New claims 18-23 have been added. Thus, claims 1-6 and 18-23 are now pending.

Amended claim 1 is original claim 6, rewritten in independent form. Original claim 4 has also been rewritten in independent form.

Claim 1 stands rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Bermes (or Velke) in view of Herr. This Section 103(a) rejection is respectfully traversed for at least the following reasons.

Claim 1 *as amended* (original claim 6) requires “a latch assembly for receiving part of a sulky attached to the mower, wherein the latch assembly includes a pivotal spring-biased latch having a recess defined therein, wherein the recess of the latch is adapted to receive a protruding member of a sulky when a sulky is folded up from a deployed position to a stowed position so that the latch assembly of the mower can hold the folded up sulky in the stowed position; and a buttress plate located laterally forward of the latch, so that a leading portion of the sulky is adapted to hit the buttress plate when the sulky is moved into the stowed position with excessive force.” For example and without limitation, see buttress plate 93 in Figs. 3-4 of the instant application. See also, for example, portions of paragraph [0038] of the instant specification.

The cited art, either alone or in the alleged combination, fails to disclose or suggest the aforesaid underlined aspect of amended claim 1. In particular, none of the cited references disclose or suggest the claimed “buttress plate” as required by claim 1. Thus, even if the references were combined as alleged in the Office Action (which applicant believes would be incorrect in any event), the invention of claim 1 still would not be met.

Claim 4 requires “a latch assembly for receiving part of a sulky attached to the mower, wherein the latch assembly includes a pivotal spring-biased latch having a recess defined therein, wherein the recess of the latch is adapted to receive a protruding member of a sulky when a sulky is folded up from a deployed position to a stowed position so that the latch assembly of the mower can hold the folded up sulky in the stowed position; and wherein the protruding member extends outwardly from a normally vertical pivot axis of the sulky so as to define an angle θ of from about 30 to 70 degrees with the vertical pivot axis of the sulky.” For example and without limitation, Figs. 3-4 (see especially Fig. 4) illustrate a protruding member 87 that extends outwardly from a normally vertical pivot axis 79 of the sulky so as to define an angle θ of from about 30 to 70 degrees with the vertical pivot axis 79 of the sulky. Note that the vertical pivot axis 79 is also shown in Fig. 1.

The cited art fails to disclose or suggest the aforesaid underlined feature of claim 4, either alone or in the alleged combination. In particular, the alleged protruding member (element 135 of Herr) does not extend from a vertical pivot axis of Herr's sulky, and also does not define an angle θ of from about 30 to 70 degrees with the vertical pivot axis of Herr's sulky. Protruding member 135 in Herr is nowhere near the vertical pivot axis at 68, 70 in Herr, and does not define the claimed angle therewith. If anything, protruding member 135 in Herr would define an angle of 90 degrees with the vertical pivot axis 68, 70, which is well outside of the range called for in claim 4. Thus, even if the cited references were combined as alleged in the Office Action (which would be incorrect in any event), the invention of claim 4 still would not be met.

The respective inventions of claims 6 and 18-23 are also not disclosed or suggested by the cited art, either alone or in the alleged combination.

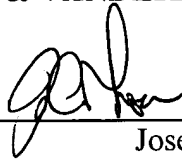
VELKE et al.
Appl. No. 10/712,261
March 21, 2005

For at least the foregoing reasons, it is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Joseph A. Rhoa
Reg. No. 37,515

JAR:caj
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100